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### **REMARKS**

This response is intended as a full and complete response to the final Office Action mailed July 8, 2005. This response is also responsive to the Advisory Action mailed on December 14, 2005, and accompanies a Request for Continued Examination (RCE). In the final Office Action, the Examiner notes that claims 1 -21 are pending, claims 1 and 3-21 stand rejected. The Examiner has also noted that claim 2 has been withdrawn from consideration. However, the Applicant respectfully notes that claim 2 has been cancelled. Thus, only claims 1 and 3-21 are pending. By this response, Applicant has amended claims 1, 8, 10 and 11.

In view of both the amendments presented above and the following discussion, Applicant submits that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicant believes that all of these claims are now in allowable form.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

#### **Amendments to the claims**

By this response, Applicant has amended claims 1, 8, 10 and 11. The amendments to the claims are fully supported by the Specification, Claims and Drawings as originally filed. For example, the amendments to the claims are supported at least by page 10, lines 3-11 of the Specification.

Thus, no new matter has been added, and the Examiner is respectfully requested to enter the amendments.

#### **Rejection under 35 U.S.C. §103 of Claims 1, 3-6 and 11**

The Examiner has rejected claims 1, 3-6 and 11 as being unpatentable over Duso et al. (U.S. Patent No. 5,892,915, hereinafter "Duso"), in view of Mann (U.S. Patent No. 5,862,312, hereinafter "Mann") in further view of Craig (U.S. Patent No. 5,790,176, hereinafter "Craig"). Applicant respectfully traverses the rejection.

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To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by prior art. The Duso, Mann and Craig references, alone or in combination, fail to teach or suggest all of the limitations recited in claim 1, and thus fail to teach or suggest the Applicants' invention as a whole.

Specifically, the Duso, Mann and Craig references, alone or in combination, fail to teach or suggest a method comprising at least "concurrently processing session-state data of said video session using a distributed managing module associated with each of said primary head-end controller and said at least one secondary head-end controller," as recited in claim 1 as amended.

The Duso reference discloses "a client-server protocol and interface for providing broadcast playback functionality" (column 2, lines 47-48). However, as the Examiner acknowledges, "Duso fails to disclose wherein ... one secondary head-end controller" (page 5 of the 7/8/05 Office Action). The "..." recited by the Examiner, as quoted above, is taken to expand to recite "Duso fails to disclose wherein said executing said video session comprises concurrently executing session state data of said video session on at least one distributed managing module associated with each of said primary head-end controller and said at least one secondary head-end controller," i.e., including the language previously presented in claim 1 in the response filed by the Applicant on April 26, 2005.

The Duso reference also fails to teach or suggest processing session-state data using a distributed managing module associated with both the primary and secondary head-end controllers.

The Mann reference fails to bridge the substantial gap between the Duso reference and the Applicant's invention. The Mann reference discloses a "method and apparatus [that] redundantly store[s] data, in particular video data objects, in a distributed computer system" (abstract). In particular, the Mann reference discloses (emphasis added below):

"In accordance with a particular embodiment of the invention, the controllers 24 of the processor systems 12 individually and collectively act to store data across the entire computer system 10 network in a redundant fashion so that if any one processor system 12 fails the remaining processor systems can nevertheless reconstruct all the data available in the entire system." (column 6, lines 37-43)

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The Mann reference also discloses (emphasis added below):

"Further, and importantly, because each processor is connected in a point to point two way connection to each other processor, it is possible to write all five blocks of data substantially in parallel, thus making full use of the bandwidth available to the writing controller and, at the same time, distributing substantially equally, the writing load across the entire computer system." (column 7, line 63, to column 8, line 2)

The Mann reference further discloses (emphasis added below):

"Further, within each processor system itself, the processors can use a RAID-5 protocol, in its ordinary and well known sense, to store data among its plurality of disk drive devices 26 associated with that processor. Thus, there is provided the novel circumstance of employing the RAID-5 technology twice, both at the storage level as is well known, but also at the system level, which is new, to achieve a high reliability, lower cost, computer system." (column 8, lines 16-23)

Thus, the Mann reference discloses multiple controllers which individually and collectively act to store data across multiple disk drive devices. Mann also discloses that processors can use a protocol to store data in parallel. However, the Mann reference does not teach or suggest processing the data concurrently (or in parallel) using the multiple controllers/processors. That is, the Mann reference does not teach or suggest concurrently processing session-state data using a distributed managing module associated with both a primary and a secondary head-end controller. Instead, the Mann reference only discloses that processors store data in parallel.

The Craig reference fails to bridge the substantial gap between the Duso and Mann references and the Applicant's invention. The Craig reference discloses a "media server [which] receives, stores and forwards multi-media data and full motion video feature presentations within a public switched telephone network" (abstract). However, the Craig reference does not teach or suggest a method comprising at least "concurrently processing session-state data of said video session using a distributed managing module associated with each of said primary head-end controller and said at least one secondary head-end controller".

Therefore, the combination of the Duso, Mann and Craig references fails to teach or suggest Applicant's invention as a whole.

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As such, Applicant submits that independent claim 1 is not obvious and fully satisfies the requirements of 35 U.S.C. §103 and is patentable thereunder. Moreover, independent claim 11 has substantially similar limitations as those discussed above in regards to claim 1. Thus, claim 11 is also patentable under 35 U.S.C. §103. Furthermore, claims 3-6 depend, either directly or indirectly, from independent claim 1 and recite additional limitations thereof. As such, and for at least the same reasons as discussed above, Applicant submits that these dependent claims are also not obvious and fully satisfy the requirements of 35 U.S.C. §103 and are patentable thereunder. Therefore, Applicant respectfully requests that the rejection of such claims under 35 U.S.C. §103(a) be withdrawn.

**Rejection under 35 U.S.C. §103 of Claims 7-10, 12-21**

The Examiner has rejected claims 7-10 and 12-21 as being unpatentable over Duso in view of Mann in further view of Craig, in further view of Beal et al. (5,155,845, hereinafter "Beal"). Applicant respectfully traverses the rejection.

Claims 7-10 and 12-21 depend directly or indirectly from independent claims 1 and 11. Moreover, for at least the reasons discussed above, the Duso, Mann and Craig references fail to teach or suggest Applicant's invention as recited in claims 1 and 11. Accordingly, any attempted combination of the Duso, Mann and Craig references with any other additional references, in a rejection against the dependent claims, would still result in a gap in the combined teachings in regards to the independent claims. As such, Applicants submit that dependent claims 7-10 and 12-21 are not obvious and are patentable under 35 U.S.C. §103.

Therefore, the Applicant respectfully requests that the rejection be withdrawn.

**CONCLUSION**

Thus, Applicant submits that none of the claims presently in the application, are obvious under the provisions of 35 U.S.C. §103. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Stephen Guzzi, at (732) 383-1405, or Eamon J. Wall,

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Esq., at (732) 530-9404, so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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